



Attorney Docket No. 03398.000006

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YOUNGER AHLUWALIA et al.

Application No.: 10/766,649

Filed: January 27, 2004

For: COMPOSITE MATERIALS

Examiner: Victor S. Chang

Group Art Unit: 1771

February 6, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

02/08/2006 JADD01 00000098 10766649

01 FC:1814

138.00 0P

TERMINAL DISCLAIMER

Sir:

Your petitioner, ElkCorp, a corporation duly organized under the laws of the State of Delaware, having a place of business at 14911 Quorum Drive, Suite 600, Dallas, TX 75254, and duly represented by the undersigned attorney of record, represents that it is the assignee of the full title and interest in and to the above-identified Application No. 10/766,649, filed January 27, 2004, as evidenced by the deed of Assignment filed on July 14, 2004 and recorded at Reel 015561/Frame 0250.

Your petitioner further represents that it is the assignee of the full title and interest in and to U.S. Patent Application Nos. 10/766,652, 10/766,654 and 10/766,678, all filed on January 27, 2004 as evidenced by the deeds of Assignment filed on July 29, 2004, July 14, 2004, and July 14, 2004, respectively, and recorded at Reel 015625/Frame 0289, Reel 015561/Frame 0018 and Reel 015563/Frame 0981, respectively.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patents

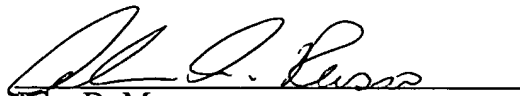
granted on Application Nos. 10/766,652, 10/766,654 and 10/766,678, as shortened by any terminal disclaimer filed prior to the grant of any patents granted on such patent applications, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patents granted on Application

Nos. 10/766,652, 10/766,654 and 10/766,678. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patents granted on Application Nos. 10/766,652, 10/766,654 and 10/766,678, as shortened by any terminal disclaimer filed prior to the patents grant, in the event that any such granted patents expire for failure to pay maintenance fees, are held unenforceable, are found invalid, are the subject of any disclaimer under 37 C.F.R. 1.321(a), have all claims cancelled by reexamination certificates or are otherwise terminated prior to the expiration of their statutory terms as shortened by any terminal disclaimer filed prior to their grant, except for the separation of legal title stated above.

Petitioner's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



John D. Murnane
Registration No. 29,836
(212) 218-2527

Alicia A. Russo
Registration No. 46,192
(212) 218-2568

Attorneys for Applicants

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

NY_MAIN 549255v1